

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES MICHAEL BIELA,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:20-cv-00026-GMN-WGC

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME
(ECF NO. 11)**

In this capital habeas corpus action, the petitioner, James Michael Biela, represented by appointed counsel, was due to file an amended habeas petition by May 5, 2020. See Order entered February 5, 2020 (ECF No. 9) (90 days to file amended petition).

On May 5, 2020, Biela filed a motion for extension of time (ECF No. 11), requesting a 189-day extension of time, to November 10, 2020, to file his amended petition. Biela's counsel states that the extension of time is necessary because of the time necessary to produce the amended petition, and because of delay caused by the COVID-19 pandemic. This would be the first extension of this deadline.

The Court finds that Biela's motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time requested. The Court will grant the requested extension of time.

This order is not intended to convey any opinion, or have any effect, regarding the operation of any applicable statute of limitations, or regarding any statutory or equitable tolling of any limitations period.

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4 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
5 proceedings set forth in the order entered February 5, 2020 (ECF No. 9) will remain in
6 effect.

8 DATED THIS 5 day of May, 2020.

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GLORIA M. NAVARRO,
UNITED STATES DISTRICT JUDGE